

LOKPAL OF INDIA
(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)
New Delhi- 110070

Complaint No. :103/2024

Date :06.06.2024

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. Earlier on 10.05.2024, taking note of the facts culled out from the complaint that, the complainant had also approached the Central Bureau of Investigation (CBI), we observed in paragraph 11.



"It also cannot be gathered from the record as to the current status of the complaint of a similar nature taken note of by the Central Bureau of Investigation vide its communication (with the Joint Secretary and Chief Vigilance Officer, Ministry of Housing and Urban Affairs, New Delhi) Confidential/Urgent letter No.30/1 (Chaudhary Sandeep contractor & Supplier)/2023/PD(1907)/3790 dated 26.7.2023 and No.7/CBI/AVII/2023 dated 9.8.2023."

2. Accordingly, we sought status report from the CBI.
3. That vide communicated dated 03.06.2024 the CBI has furnished the status report as received from the Ministry of Housing and Urban Affairs vide its communication No.C-31019/3/2021-AV.II(E-9103718), Government of India, Ministry of Housing and Urban Affairs (Administrative Vigilance Unit) dated 03.06.2024, the content whereof are reproduced hereunder for ready reference.

"The undersigned is directed to refer to CBI's letter No.DP0992024/957/33/11/2022/Lokpal(12)/PD dated 29.05.2024 on the subject cited above and to say that the status of the case received from Dehradun Smart City Limited, a PSU under Government of Uttarakhand is enclosed.

2. It is further clarified by the Smart Cities Mission of Ministry of Housing and Urban Affairs that implementation of Smart Cities Mission at the City level is done by a Special Purpose Vehicle (SPV). In the instant case, the Dehradun Smart City Ltd. is created for the said purpose. These SPVs are 50:50 owned by the respective States/UTs and Urban Local Bodies (ULBs) and are

Board run entities incorporated under the Companies Act, 2013 at the city level with State/UT and ULB as promoters having 50:50 equity shareholding.

These SPVs plan, apprise, approve, release funds, implement, manage, operate, monitor and evaluate their Smart City development projects. Each Smart City has an SPV, which is headed by a CEO.

The Dehradun Smart City SPV, in their status report have, inter alia, submitted that the allegations raised by the complainant are not substantiated.

This issues with the approval of AS& CVO, MoHUA.”

4. Having carefully perused the report by the Financial Controller, Dehradun Smart City Limited, we are of the considered opinion that the matter before us needs to be put at rest, for the allegations have remained unsubstantiated. This observation, however, may not be construed to mean that we have expressed any opinion on the merit of the inter-se dispute between the contractor and employer. That will however be dealt with, in accordance with law.

5. Before parting, we intend to comment upon the observation which find mention in the letter dated 03.06.2024(No.C-31019/3/2021-AV.II(E-9103718), Government of India, Ministry of Housing and Urban Affairs (Administrative Vigilance Unit), whereby, a misleading impression is

created as if the Dehradun Smart City Limited, is not a State entity. However, it is gathered from information on the website of the Dehradun Smart City Limited that the same is brought in vogue by the Ministry of Housing and Urban Affairs, Government of India, under its Smart Cities Mission as Special Purpose Vehicle (SPV) incorporated under the Indian Companies Act, 2013 receiving funds from Government of India and Government of Uttarakhand. Hence there would be no impediment in exercising our jurisdiction under section 14 of the Lokpal and Lokayuktas Act, 2013.

6. Be that as it may. The matter is set at rest as observed supra.
7. The complaint is finally disposed of in above terms.

 COURT MASTER
LOKPAL OF INDIA